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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/630,060	07/30/2003	John J. Vrana	60,152-987	8190

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EXAMINER

MITCHELL, KATHERINE W

ART UNIT PAPER NUMBER

3677

DATE MAILED: 03/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/630,060

Applicant(s)

VRANA ET AL.

Examiner

Katherine W Mitchell

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 8/16/04
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) 21-26 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on _____ is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

WITHDRAWAL OF OFFICE ACTION

The Office Action dated Oct 30, 2004 and mailed Nov 2, 2004 is hereby withdrawn in favor of the action below. The period for response has been restarted so that the shortened statutory period runs three months from the mail date of this letter. A new action on the merits appears below. An additional IDS is provided, supplementing the IDS mailed with the 10/30/2004 office action.

Election/Restrictions

1: Applicant's election with traverse of claim 1-20 in the reply filed on 8/16/2004 is acknowledged. The traversal is on the ground(s) that the method is inherent in the apparatus – no further search would be required. This is not found persuasive because the method requires a die, a panel with an opening, and requires deformation of the radial flange portion, all of which are not in the apparatus claims. These are not required by claims 1-20, the locator stud apparatus.

The requirement is still deemed proper and is therefore made FINAL.

2. This application contains claims 21-26 drawn to an invention nonelected with traverse in the reply filed on 8/16/2004. A complete reply to the final rejection must include cancellation of nonelected claims or other appropriate action (37 CFR 1.144) See MPEP § 821.01.

Claim Rejections - 35 USC § 102

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3. The following is a quotation of the appropriate paragraphs of 35

U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

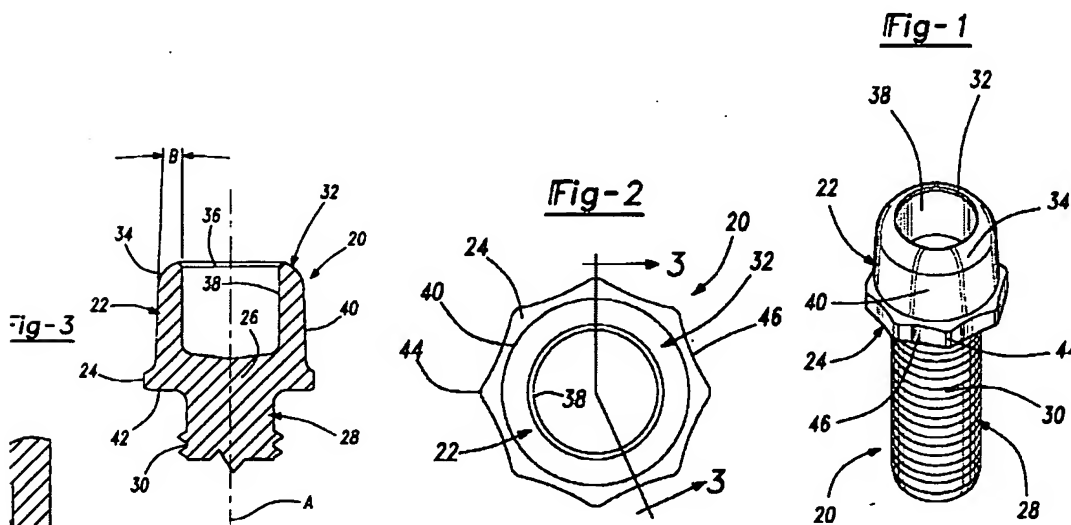
A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Ladoucuer USP 5868535, hereafter called 535 patent.

Re claim 1: The 535 patent teaches in Figs 1-3 and col 4 line 54 – col 5 line 51 a locator stud capable of attachment to a panel, comprising a radial flange (24) having an annular end face (42) and an axial generally conical recess opening through said annular end face (36) with a major diameter at said annular end face, and a generally cylindrical shank portion (both 22 and 28 meet this limitation) integral with and extending



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axially from said flange coaxially aligned with said recess having a diameter less than said flange.

Re claim 2: Said radial flange includes at least one radial projection preventing rotation of said stud in a panel. This projection is shown as the flaring

out sections in Fig 2.



Re claim 3: A plurality of projections is shown in Fig 2.

Re claim 4: the plurality of planar surfaces (44) between circumferentially spaced radial projections are best seen in Fig 1.

Re claims 5-6: The frustoconical surfaces extending radially outwardly from said annular end face is best seen in Fig 3 as the conical section between "42" and "24" at the lower left portion of the figure.

Re claim 7: A plurality of projections is shown in Fig 2.

Re claim 8: the plurality of planar surfaces (44) between circumferentially spaced radial projections are best seen in Fig 1.

Re claim 9: a planar end face is shown as "44" in Fig 1.

Re claim 10: said generally conical recess 36 has a planar end wall (the end wall has two planes slightly angled and meeting in the center, as shown in Fig. 3. Either can be considered a planar end wall)

Re claim 11: The 535 patent teaches in Figs 1-3 and col 4 line 54 – col 5 line 51 a locator stud capable of attachment to a panel, comprising a body portion including a radial flange (24) having an annular end face (42) and an axial generally conical recess opening through said annular end face (36) with



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a major diameter at said annular end face, and a frustoconical outer surface extending radially outwardly from said annular end face is best seen in Fig 3 as the conical section between "42" and "24" at the lower left portion of the figure. A generally cylindrical shank portion (both 22 and 28 meet this limitation) integral with and extending axially from said flange coaxially aligned with said recess having a diameter less than said flange is shown in Fig 1.

Re claim 12: A flange portion including a polygonal outer surface adjacent the frustoconical surface is seen in Figs 1-3.

Re claim 13: Said radial flange includes at least one radial projection preventing rotation of said stud in a panel. This projection is shown as the flaring



out sections in Fig 2.


Re claim 14: A plurality of projections projecting from corner portions of polygonal outer surface are shown in Fig 2.

Re claim 15: the plurality of planar surfaces (44) between circumferentially spaced radial projections are best seen in Fig 1.

Re claim 16: radial projections each including planar generally radially extending side faces are shown as "44" in Fig 1. Sides and ends have not been specifically defined and are considered interchangeable terms.

Re claim 17: said generally conical recess 36 has a planar end wall (the end wall has two planes slightly angled and meeting in the center, as shown in Fig. 3. Either can be considered a planar end wall).

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Re claim 18: The 535 patent teaches in Figs 1-3 and col 4 line 54 – col 5 line 51 a locator stud capable of attachment to a panel, comprising a body portion including a radial flange (24) portion having a plurality of circumferentially spaced radial projections (projections end at planar section 44 Fig 1 and 2), an annular end face (42) and an axial generally conical recess opening through said annular end face (36)  with a major diameter at said annular end face. A generally cylindrical shank portion (both 22 and 28 meet this limitation) integral with and extending axially from said flange coaxially aligned with said recess having a diameter less than said flange is shown in Fig 1.

Re claim 19: Said radial flange portion includes a frustoconical surface extending radially outwardly from said annular end face is best seen in Fig 3 as the conical section between “42” and “24” at the lower left portion of the figure.

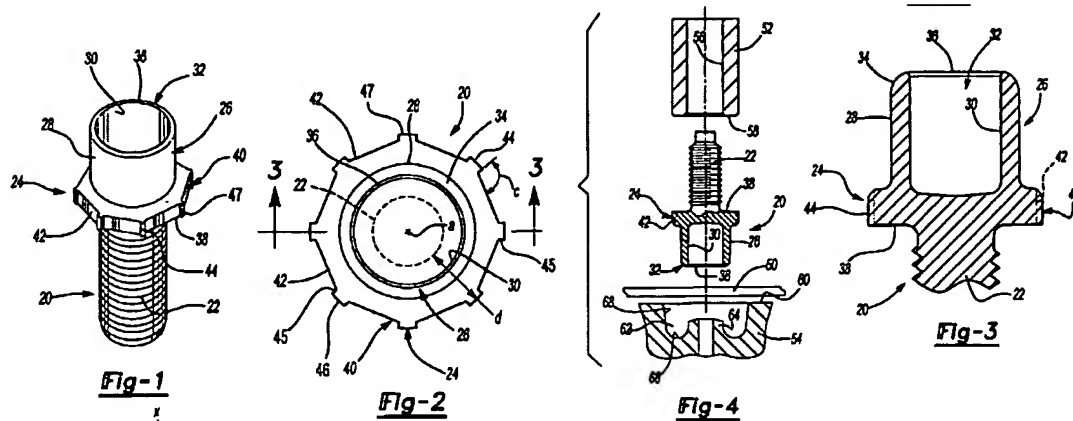
Re claim 20: Said radial flange portion includes a plurality of planar outer surfaces (44) between circumferentially spaced radial projections defining a polygonal outer surface are shown in Figs 1-2. Said plurality of circumferentially spaced radial projections extend from corners of said polygonal surface (Fig 1 and 2).

5. Claims 1-20 are rejected under 35 U.S.C. 102(a) as being anticipated by Ladoucuer USPAP 2004/0076489, hereafter called PAP 489.

Re claim 1: PAP 489 teaches in Figs 1-3 and paragraphs [0021-000025] a locator stud capable of attachment to a panel, comprising a radial flange (24) having an annular end face (38) and an axial generally conical recess opening through said annular end face (36) with a major diameter at said annular end

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face, and a generally cylindrical shank portion (both 22 and 28 meet this limitation) integral with and extending



axially from said flange coaxially aligned with said recess having a diameter less than said flange.

Re claim 2: Said radial flange includes at least one radial projection (44) preventing rotation of said stud in a panel. This projection is best seen in Fig 2.

Re claim 3: A plurality of projections is shown in Fig 2.

Re claim 4: the plurality of planar surfaces (42) between circumferentially spaced radial projections are best seen in Fig 1 and 2.

Re claims 5-6: The frustoconical surfaces extending radially outwardly from said annular end face described in para [0022] last 4 lines.

Re claim 7: A plurality of projections is shown in Fig 2.

Re claim 8: the plurality of planar surfaces (44) between circumferentially spaced radial projections are best seen in Fig 1.

Re claim 9: a planar end face is shown as "46" in Fig 1 and described in para [0022] last 4 lines.

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Re claim 10: said generally conical recess 36 has a planar end wall (the end wall has two planes slightly angled and meeting in the center, as shown in Fig. 3. Either can be considered a planar end wall)

Re claim 11: Pap 489 teaches in Figs 1-3 and para [0021-0025] a locator stud capable of attachment to a panel, comprising a body portion including a radial flange (24) having an annular end face (38) and an axial generally conical recess opening through said annular end face (36) with a major diameter at said annular end face, and a frustoconical outer surface extending radially outwardly from said annular end face (described in para [0022] last 4 lines.) A generally cylindrical shank portion (both 22 and 28 meet this limitation) integral with and extending axially from said flange coaxially aligned with said recess having a diameter less than said flange is shown in Fig 1.

Re claim 12: A flange portion including a polygonal outer surface adjacent the frustoconical surface is seen in Figs 1-3.

Re claim 13: Said radial flange includes at least one radial projection preventing rotation of said stud in a panel. (Figs "44" and para [0022]).

Re claim 14: A plurality of projections projecting from corner portions of polygonal outer surface are shown in Fig 2.

Re claim 15: the plurality of planar surfaces (46) between circumferentially spaced radial projections are best seen in Fig 1.

Re claim 16: radial projections each including planar generally radially extending side faces are shown as "46" in Fig 1. Sides and ends have not been specifically defined and are considered interchangeable terms.

Re claim 17: said generally conical recess 36 has a planar end wall (the end wall has two planes slightly angled and meeting in the center, as shown in Fig. 3. Either can be considered a planar end wall).

Re claim 18: Pap 489 patent teaches in Figs 1-3 and para [0021-0025] portion including a radial flange (24) portion having a plurality of circumferentially spaced radial projections (44), an annular end face (38) and an axial generally conical recess opening through said annular end face (36) with a major diameter at said annular end face. A generally cylindrical shank portion (both 22 and 28 meet this limitation) integral with and extending axially from said flange coaxially aligned with said recess having a diameter less than said flange is shown in Fig 1.

Re claim 19: Said radial flange portion includes a frustoconical surface extending radially outwardly from said annular end face (described in para [0022] last 4 lines.)

Re claim 20: Said radial flange portion includes a plurality of planar outer surfaces (46) between circumferentially spaced radial projections defining a polygonal outer surface are shown in Figs 1-2. Said plurality of circumferentially spaced radial projections extend from corners of said polygonal surface (Fig 1 and 2).

Conclusion

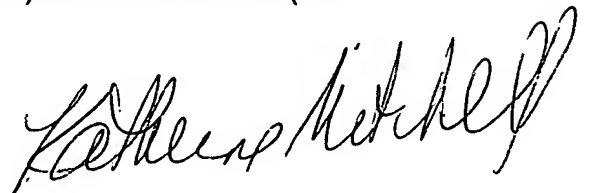
6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Katherine W Mitchell whose telephone number is 703-305-6713. The examiner can normally be reached on Mon - Thurs 10 AM - 8 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J. Swann can be reached on 703-306-4115. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Katherine W Mitchell
Patent Examiner
Art Unit 3677

Kwm
11/2/2004